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REMARKS

Turning to paragraph 1 of the Office Action mailed June 10, 2004, the Examiner has made a restriction requirement requiring Applicants to elect one of the following three groups of claims: I (those claims "drawn to an image sensor with a red filter"); II (those claims "drawn to an image sensor having a means for distinguishing a blue sky from a cloudy sky") and III (those claims "drawn to an image sensor having a specific housing configuration").

Applicants respectfully elect, with traverse, group III (claims 12-21), which includes claims corresponding to a vehicular vision system, comprising: an image sensor comprising an array of pixel sensors; at least one lens for gathering light rays from a region substantially in front of the vehicle and focusing the gathered light rays on said image sensor; and a housing in which said at least one lens and said image sensor are housed, said housing having an opening positioned several focal lengths in front of said at least one lens for limiting the field of view of said image sensor and a vehicular vision system, comprising: a housing defining an opening; an image sensor positioned in said housing spaced from said opening to view a scene through the window; and at least one lens positioned in said housing, said at least one lens is operative to focus light rays from a scene viewed through said opening onto said image sensor, wherein a field of view of said image sensor is limited by said opening and an axis normal to an image plane of said image sensor passes through said opening.

Applicants respectfully submit that claims 1-21 are all directed to a vehicular vision system, comprising: an image sensor comprising an array of pixel sensors; at least one lens for gathering light rays. Additionally, each independent claim is presented with dependent claims reciting the limitations of the accompanying independent claims.

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The Applicants feel that it is a mischaracterization of the claim set to read out these limitations, especially with regard to the dependent claims.

Applicants further submit that the restriction requirement is otherwise improper and should be withdrawn. MPEP §806.05 sets forth the requirements for making a proper restriction based on related inventions.

Turning to paragraph 2 of the Office Action, the Examiner has specifically relied upon MPEP §806.05(c) as providing a valid basis for restriction. MPEP §806.05(c) provides a specific example that Applicants feel is pertinent when the pending claims are read with regard to the above mentioned common features:

To support a requirement for restriction, both **two way distinctness** and reasons for insisting on restriction are necessary, i.e. separate classification, status, or field of search. See MPEP §808.02.

II. SUBCOMBINATION ESSENTIAL TO COMBINATION

AB_{sp}/B_{sp} No Restriction

If there is no evidence that combination AB_{sp} is patentable without the details of B_{sp}, restriction should not be required. Where the relationship between the claims is such that the separately claimed subcombination B_{sp} constitutes the essential distinguishing feature of the combination AB_{sp} as claimed, the inventions are not distinct and a requirement for restriction must not be made, even though the subcombination has separate utility.

In light of the above, the Applicants request that the Examiner reconsider the restriction requirement and regroup claims 1-21 and proceed to examination on the merits. Secondly, the Applicants would request that the Examiner consider regrouping of claims 1-19. Claims 1-19 have common features, in addition to those

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mentioned above, at least in dependent form in that all claims include a first lens and a second lens, said first lens being configured to project light rays onto a first portion of said image plane and said second lens being configured to project light rays onto a second portion of said image plane, wherein a red spectral filter is located between said first portion of said image plane and a scene to be imaged and a housing having an opening, wherein said opening is configured to limit a field of view of said image sensor within their scope. The Applicants request, at a minimum, that the Examiner consider regrouping claims 1-11. Claims 1-11 have common features, at least in dependent form, in that all claims include a first lens and a second lens, said first lens being configured to project light rays onto a first portion of said image plane and said second lens being configured to project light rays onto a second portion of said image plane, wherein a red spectral filter is located between said first portion of said image plane.

Applicant submits that the pending claims do not define related inventions in the meaning of MPEP §806.05. All of the pending claims recite open claim language due to the presence of the transitional phrase "comprising," and thus the components of the structure shown and described in the applications do not constitute **two way distinctness**. One would not have to be implemented to the exclusion of the other. Additionally, the dependent claims build upon the individual independent claims such that each limitation from each independent claim is depended from the other independent claims.

For the reasons stated above, Applicant submits that the requirement for election of related inventions as stated in the Office Action is improper and should be withdrawn.

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The Applicant, therefore, requests that the Examiner withdraw the requirement for election of related inventions and proceed to examine claims 1-21. Please contact the undersigned should there be any questions.

Respectfully submitted,

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By: Gentex Corporation

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Date

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